

### **III. REMARKS**

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 and its dependent claim 8 have been amended as suggested. Thus the rejection should be withdrawn.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhn in view of Watanabe.

In brief, the Examiner cites Bruhn to show how it would be obvious to select a baseband processing method, and Watanabe to show how it would be obvious to announce base station capabilities. It is respectfully submitted that latter citation is based on an incorrect interpretation of the present claim language. Additionally, the combination would fail to disclose the applicants' claimed invention even if the latter citation is correctly interpreted.

In particular, Watanabe concerns a situation in which the terminals of a cellular communications system may have different speech coding capabilities: either speech coding method A or speech coding method B, or a combination of A and B. In order to keep track of who can do what, the system keeps tables of the speech coding capabilities of the mobile stations. This is very clearly and unmistakably explained in column 9, lines 16-23, of Watanabe. If someone needs to know the speech coding capabilities

of a particular mobile station, this information is fetched from the database and communicated to the party that needed it ("*a means which refers to this database 51 when connection is to be established, a means which transfers information from this database 51 to control stations 31-34*"; Watanabe, col. 9, lines 19-23). In other words, it is not the capabilities of the transmitter of information that is announced in Watanabe. It is the capabilities of some other party, and the transmitter of information only handles that information as a man-in-the-middle.

However, one may consider Watanabe as if it disclosed a second piece of information indicating capabilities of a transmitter for said first and second pieces of information. Even in that fictitious case, Watanabe would specifically need an indicator, i.e., some piece of information that can be read from a database and included in the form of information bits in a message, to express that second piece of information. The mere selection of a baseband processing method will not carry that information; it needs to be separately announced.

Thus, both Bruhn and Watanabe consistently teach that if a piece of information needs to be transmitted, it needs to be formulated into a form of information bits that in turn will be added to a message among with other information bits. They both require a piece of information to be explicitly sent, in the form of bits or other transmission symbols. The present invention as claimed requires that the mere selection of a baseband signal processing method carries the second piece of information. The present invention expressly does not need to reserve bits in the message for expressing the second piece of information, because it is the baseband signal processing method that already reveals the second piece of information to the recipient.

The independent claims recite that the second piece of information indicates capabilities of a transmitter for the first and second pieces of information. Since this is not disclosed by either Bruhn or Wanatanabe, the rejection of claims 1-3 and 5-7 under 35 U.S.C. 103 on Bruhn in view of Wanatanabe should be withdrawn.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhn in view of Wanatanabe.

For the same reasons discussed above, this rejection should also be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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